

## REMARKS

Reconsideration of this application, and the rejection of claims 1-4 and 6-21 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated December 18, 2003 (Paper No. 20031208) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1-4, 6-16 and 18-21 stand rejected under 35 U.S.C. §102(b) in view of Gladura (US 5,378,163). Gladura discloses an electrical plug protector for use on an electrical plug, which requires tools to open. A first floor 15 includes a first recess 17 that cooperates with a second floor recess 18 in a mirror image relationship, as seen in FIG 3. The first and second cover housings are hinged or pivotally connected, and when locked relative to one another, a rectilinear end wall opening 19 is defined and arranged to receive an opening tool 29 having a rectilinear head 30 received within the end wall opening 19. Upon rotation of the head 30 by a handle 32 interconnected to the head by shank 31, the first and second cover housing floors 15 and 16 respectfully are separated.

In contrast, claims 1, 18 and 21 have been amended to recite, among other things, that when in said closed position, said enclosure portions are configured to be openable without the use of tools. In the present invention, claims 1, 18 and 21 as amended also recite that the cord tethering portion is constructed for detachably engaging the cord, and is associated with at least one of said enclosure portions and configured for substantially encircling the cord.

In addition to the relevant comments asserted above traversing Gladura, the reference fails to disclose or suggest the ability to retrofit a previously installed plug and cord with the plug protector. In contrast, the reference requires that the cord tethering portion be installed on the cord prior to its connection to the plug and/or the appliance.

To reflect the above retrofittability, claims 1, 18 and 21 have been amended to recite, among other things, that the present cord tethering portion is constructed for detachably engaging the cord, which allows the plug protector to be retroactively attached to installed plugs.

In addition to the arguments asserted above traversing Gladura, due to the reference's failure to disclose or suggest the plug protector being openable without the use of tools, the reference also fails to disclose or suggest that the cord tethering portion detachably engages the cord as now recited. Accordingly, the rejection of claims 1-4, 6-16 and 18-21 based on Gladura is respectfully traversed.

Claims 1-16 and 18-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sweatman et al. (US 5,755,588). Sweatman discloses in FIG. 2 a receptacle 50 and cord 25 shown as being set into a lower shell 15. Sweatman further discloses that cords 25 and 30 may be engaged by a plurality of deformable protrusions 70 emanating from an interior surface of the lower shell 15. Upon placement of cords 25 or 30 within the lower shell 15, protrusions 70 are laterally displaced and frictionally engage the cords to hinder cord movement with respect to the enclosure. There is no disclosure in Sweatman of any structure configured to securely retain the plug protector

on the plug in the open position. Sweatman's arrangement is prone to being dislodged upon impact.

In contrast, as amended, claim 1 recites, among other things, that the cord tethering portion for detachably engaging the cord is associated with at least one of said enclosure portions and is configured for substantially encircling the cord. This structure is beneficial for securely retaining the plug protector on the cord even when the protector is in the open position.

In addition, the reference discloses an enclosure for retaining an electrical connection between a receptacle from a first electrical cord 25 and a plug from a second electrical cord 30. Sweatman is focused on retaining and maintaining the electrical connection between the two cords (see FIGS. 7-11, columns 5, 7-8). While FIG. 1 shows a single plug in 10, there is an intentional allotment of sufficient space to accommodate 2 plugs within this enclosure.

In contrast, as amended, claims 18 and 21 recite, among other things, that said enclosure portion is configured to taper on said side portions towards said cord tethering portion to substantially conform to the overall shape of the plug thereby containing only one plug. Claim 21 further recites, among other things, that said enclosure portion substantially restricts axial, lateral and horizontal movement of said cord and plug.

In addition Sweatman fails to disclose or suggest that an enclosure portion with members moveable in a closed position, they require a sufficient squeeze force to prevent actuation by young children. In contrast, the reference is focused on the retaining

an electrical connection between a receptacle from a first electrical cord 25 and a plug from a second electrical cord 30.

Claim 21 has been amended to recite, among other things, that said members require a sufficient squeeze force to prevent actuation by young children.

Due to the failure of Sweatman to disclose or suggest the plug protector as now recited in amended claims 1, 18 and 21, the rejection based on Sweatman is respectfully traversed.

Claim 17 stands rejected under 35 USC §103(a) as being obvious in view of a combination of Gladura et al. in view of Hill (US 5,547,388). Claim 17 which ultimately is dependent from claim 1, now is submitted to be in allowable form. Gladura, whether considered alone or in combination with Hill, fails to disclose or suggest the invention now recited in amended claim 1. Accordingly, the rejection based on a combination of Gladura and Hill is respectfully traversed.

Applicants respectfully suggest that in the outstanding Action, the rejections evidence “picking and choosing” features of various references and combining them when there is no suggestion in those references to do so. It is impermissible within the framework of a 35 USC §103 rejection to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. Furthermore, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion

supporting the combination. Teachings of references can be combined only if there is some suggestion or incentive to do so.

None of these references, whether cited or of record, taken either alone or in combination, disclose or suggest the invention as claimed.

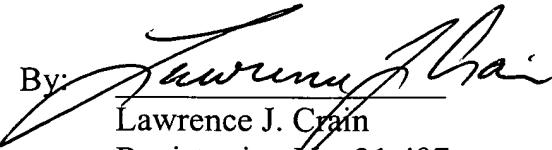
Furthermore, none of the cited prior art references considered the problem faced and solved by the present inventor, that of a cord tethering portion for detachably engaging a cord, associated with at least one of said enclosure portions and configured for substantially encircling the cord to allow the plug protector to retroactively attach to any plug, and when said plug protector is in said closed position, said enclosure portion configurable to openable with the use of tools but require a sufficient squeeze force to prevent actuation by young children. The problem considered by the inventor must be considered in making a determination as to the obviousness of combining references.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover

there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By:   
Lawrence J. Crain  
Registration No. 31,497  
Attorney for Applicants

March 18, 2004

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

PADOCS\220668\55476749.DOC